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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

TUESDAY, OCTOBER 10, 2006

10:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Pat Wiggins

BOARD MEMBERS

Mr. Jeffrey Danzinger

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Acting Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Senior Staff Counsel

Mr. Mark de Bie, Manager, Permitting and Inspection Branch

Ms. Christine Karl

Mr. Scott Walker, Manager, Remediation, Closure, &
Technical Services Branch

Mr. Glen Young, Supervisor, Closed, Illegal, and Abandoned
Sites Section

ALSO PRESENT

Mr. Evan Edgar, California Refuse Removal Council

Mr. Matt Fore, Enforcement Advisory Council

Mr. Chuck Helget, Allied Waste, BFI

Ms. Rebecca Lafrieniere, City of San Diego LEA

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Pamela Raptis, County of San Diego

Mr. Pete Oda, Los Angeles County LEA

Mr. Larry Sweetser, Rural County ESJPA

Mr. Chuck White, Waste Management

Mr. Tom White, Los Angeles County LEA

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the October 10th meeting of Permitting and
4 Enforcement Committee.

5 We have agendas on the back table. And if anyone
6 would like to speak to the Committee, there are speaker
7 slips for you to fill out and bring up to Donnell.

8 And also I'd like to ask everyone to please
9 either turn off or put in the silent mode your cell phones
10 and pagers.

11 And with that, I just want to make -- there is
12 something for us to note this morning. Committee Item E,
13 Consideration of the a Revised Full Solid Waste Facilities
14 Permit for Patrero Hills Landfill in Solano County, will
15 not be heard this morning. Instead it will be heard at
16 the 5 p.m. today in Fairfield at the Solano County
17 Government Center.

18 With that, Donnell, would you please call the
19 roll.

20 SECRETARY DUCLO: Members Peace?

21 COMMITTEE MEMBER PEACE: Here.

22 SECRETARY DUCLO: Wiggins?

23 Chair Mulé?

24 CHAIRPERSON MULÉ: Here.

25 And I understand Board Member Wiggins is on her

1 way. And so we'll keep the roll open for her.

2 And do we have any ex partes?

3 COMMITTEE MEMBER PEACE: No, I'm up to date.

4 CHAIRPERSON MULÉ: As am I.

5 And we'll hold that open as well.

6 With that, I guess we're ready for our Deputy
7 Director's Report.

8 Good morning, Howard.

9 DEPUTY DIRECTOR LEVENSON: Good morning, Madam
10 Chair and Member Peace. I'm Howard Levenson, Deputy
11 Director for Permitting and Enforcement. And I have a
12 number of different items I want to share with you this
13 morning.

14 First, I'd like to give you a quick update on
15 Avian Influenza planning. Last Wednesday, Bernie Vlach
16 and Bob Holmes from our staff participated with other Cal
17 EPA staff in a regional Avian Influenza response exercise.
18 This was a tabletop exercise. It was co-sponsored by the
19 California Office of Homeland Security and the Fresno
20 County Office of Emergency Services. There were a lot of
21 other state agencies and local and federal entities
22 represented as well.

23 Our efforts at Cal EPA are focused on assisting
24 the lead state agencies, which is Food and Ag, Department
25 of Health Services, and Food and Game, especially in the

1 areas of disinfection, waste disposal and water quality.

2 So the exercise was designed to test response
3 plans and also apply lessons that had been learned from
4 the recent cattle mortalities in the Central Valley. This
5 is all designed to be able to respond to the event that
6 the highly pathogenic strain of Avian Influenza is
7 detected in wild, domestic or commercial flocks in
8 California, which, you know, we're hoping does not happen
9 but may be happening this fall.

10 Secondly, I'd like to give you a quick update on
11 the South Coast Air Quality Management District
12 proposed -- well, Rule 410. It's no longer a proposed
13 rule. On October 6th, last Friday, the Governing Board of
14 the South Coast District did adopt Rule 410 regarding odor
15 emissions from MRFs and transfer stations.

16 As I think everyone knows, we have continually
17 questioned the need for the rule given the number of
18 problem facilities involved. But we've also recognized
19 the need to be proactive in preventing future problems.
20 And we did work with the South Coast staff to incorporate
21 an alternative odor management plan approach into the
22 rule. That would allow for submittal of these alternate
23 plans by operators to the LEA rather than South Coast.

24 We will be working on guidance to the LEAs as
25 well as meeting with them in roundtables and with the

1 Enforcement Advisory Council next month to keep the word
2 going out to LEAs who are impacted by this rule and also
3 to operators who are similarly impacted.

4 A couple of cleanups that I want to give you a
5 status report on. In September you approved the cleanup
6 of landfill fires at a previously unknown site at
7 Candlestick Point Recreational Area in San Francisco.
8 That cleanup was successful. It was completed on
9 September 26th in accordance with the Board's direction
10 and in conjunction with the Department of Parks and Rec,
11 the San Francisco Fire Department, and U.S. EPA Region 9.

12 We also are very engaged in cleanups and illegal
13 dumping prevention on the Torres/Martinez Reservation. In
14 fact, let's see, in about ten days there's going to be a
15 press event that Chair Mulé will be at to highlight the
16 efforts being undertaken at the Torres/Martinez
17 reservation. There is an interagency stakeholder working
18 group that's coordinated by U.S. EPA. And we have Board
19 staff from the Solid Waste Cleanup Program are directly
20 involved in that.

21 We've been requested to assist or to help clean
22 up two potential -- two high priority open-dump areas on
23 the reservation under the Solid Waste Cleanup Program.
24 These are the Ibanez property and the Tayawa illegal
25 disposal site.

1 We're currently on the Ibanez property developing
2 plans with the consultant and the contractor, looking at
3 cost estimates. And we anticipated a cleanup project for
4 that particular site, which might be brought forward for
5 your consideration next month. It might be December if
6 things aren't quite ready at that time.

7 The Other site, the Tayawa site, was approved in
8 August for a Board-managed cleanup. And I'm pleased to
9 report that that was successfully completed on September
10 18th. It included removal of a large area of illegally
11 dumped solid waste, tires and C&D debris, and also
12 involved the construction of a berm and a trench to
13 prevent future dumping.

14 One of the site issues that popped up during this
15 cleanup is that during the project a large quantity of
16 treated wood waste that had been used for grape stakes was
17 removed from the site by the adjacent farmer for reuse.
18 We didn't have to have our contractor handle that material
19 and incorporate that into the project costs. Information
20 had become available during the project to our staff that
21 identified the farmer as being responsible for the treated
22 wood waste. So we were able to get that person to go
23 ahead and clean up the material that they had deposited
24 there.

25 The tribe and the agencies are certainly very

1 appreciative of our assistance. And as I noted earlier,
2 there's a press event scheduled for the 20th.

3 Lastly, I wanted to mention that Member Mulé and
4 then I attended the annual Conference of -- California
5 Conference of Directors of Environmental Health, or CCDEH,
6 meeting a couple of weeks ago to speak on solid waste
7 policy issues. Member Mulé spoke on issues in general.
8 And then Ken Stewart also joined and spoke about illegal
9 dumping.

10 I think a couple things to note there is that --
11 one is that CCDEH continues to laud its relationship with
12 the Board as a model for other state agencies to emulate.

13 One of the other ways in which we engage with LEA
14 programs is through the Enforcement Advisory Council,
15 which we meet with here in the Cal EPA building on a
16 bimonthly basis. And several of you, you've worked with
17 the EAC over the years. And you'll probably hear from
18 them on the permit implementation regulations item later
19 today.

20 At the last meeting, three new officers were
21 elected for a two-year term. The new chair is Matt
22 Fore -- Matt, why don't you -- who's in the audience
23 today. And so hopefully you'll have more discussions with
24 Matt. The co-vice chairs are Jackie Adams from down south
25 and then Sue Markie from our own EA section.

1 At this time I also want to acknowledge the
2 dedication and outstanding work of the outgoing officers,
3 Bill Prince, who's been chair for two years and you've
4 seen here many times, from the City of San Diego; and the
5 co-vice chairs, Patty Henshaw from Orange County and
6 Leonard Grossberg from the City of Vernon.

7 With that, I'll close my report and be happy to
8 answer any questions.

9 CHAIRPERSON MULÉ: Thank you, Howard.

10 Are there any questions?

11 With that, then let's move into our agenda.

12 Our first item is a presentation. It's October
13 Board Agenda Item 12 and Committee Item B.

14 (Thereupon an overhead presentation was
15 Presented as follows.)

16 DEPUTY DIRECTOR LEVENSON: This is a presentation
17 which we try to do about once every year on our Closed,
18 Illegal and Abandoned Site Program. It's one of those I
19 think hidden gems of the Board. It's not something that
20 you see a lot of items coming before you. But it's
21 something where we are doing a lot of exemplary work kind
22 of behind the scenes, literally in the trenches, looking
23 at old sites that have been abandoned and whatnot, and
24 trying to figure out which ones warrant further action,
25 which ones may be something that are a lower priority.

1 I'm not going to say anything more. I'm going to
2 turn it over to Scott. And we have about a 20, 25-minute
3 presentation by our staff and some case studies by the
4 LEAs to kind of highlight how this program works and the
5 good work that it's able to do.

6 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
7 MANAGER WALKER: Thank you. Scott Walker, Permitting and
8 Enforcement Division.

9 I'm going to start an overview of this item, then
10 hand off to Glenn Young who is the Closed, Illegal and
11 Abandoned Site -- we call it CIA -- Program Project
12 Manager -- Program Manager.

13 We're also privileged today to have Tom White and
14 Pete Oda from the Los Angeles County Solid Waste Local
15 Enforcement Agency to provide the case example. The
16 Belmont Shores Mobile Home Park site case example is a
17 great success story of a very complicated case where the
18 partnership of the program and the LEA made it happen.

19 Again, to summarize. The CIA program was
20 established in 2001. And the core responsibility is to
21 ensure compliance with state minimum standards and
22 protection of public health and safety and the environment
23 by assisting LEAs on closed, illegal, and abandoned site
24 investigation, enforcement and, if necessary, remediation.

25 The focus is on ensuring remediation of sites

1 posing significant threats by the responsible parties; and
2 if the responsible parties cannot be identified or are
3 unable or unwilling to perform a timely cleanup, to
4 provide timely referrals to the Board's cleanup programs.

5 An additional focus is to apply the highest
6 environmental science and engineering professional
7 standards to this effort, which we really take pride in.

8 When the program started we had over 3,000
9 closed, illegal and abandoned sites listed in our SWIS
10 system. And the vast majority of these sites are these
11 pre-regulation closed sites with very limited information
12 to verify compliance and prioritize based on threat. At
13 that time we really didn't have a handle on the universe
14 of known sites. But now we feel pretty confident that we
15 have a good handle on it.

16 Although we continue to discover new sites, and
17 the Candlestick Point site is an example, and also the
18 conditions of existing sites may change, the program has
19 screened out about 60 high priority sites for
20 investigation, another 1200 sites for ongoing inspection
21 and tracking of land use by local enforcement agencies.
22 And there's another 250 sites that are covered by
23 oversight under the Board's closure program.

24 There's about 18 enforcement orders that are
25 currently active related to this program. We were able to

1 archive about 1500 site listings because the site didn't
2 exist. We spent a lot of time with the LEAs to make sure
3 that, you know, we could sign off and archive these sites,
4 the listing was in error, the site was clean-closed, or
5 the site was determined to pose no threat.

6 There's about 400 additional sites, primarily the
7 illegal disposal sites, that are referred inactive or
8 pending on their oversight of the cleanup programs, the
9 Solid Waste Cleanup Program or the Farm and Ranch Grant
10 Program.

11 With that, I'd like to now hand off to Glenn
12 Young, who will go into a little more depth on the
13 program.

14 CLOSED, ILLEGAL & ABANDONED SITES SECTION
15 SUPERVISOR YOUNG: Good morning, Chair Mulé and Board
16 Member Peace.

17 First I'd like to thank the dedicated
18 professional staff of the CIA group for their hard work
19 and technical expertise in making significant progress on
20 the CIA objectives in the BCP. They've traveled
21 throughout the state to many locations to perform these
22 investigations as well as assist LEAs in the inspection of
23 these sites.

24 I'd also like to thank Pete Oda and Tom White for
25 being here from the Los Angeles County LEA and presenting

1 a case study on a site that we -- a high priority site
2 that we have partnered with to work with them on.

3 The CIA program assists LEAs in the inspection,
4 investigation and enforcement of state minimum standards
5 at priority CIA sites throughout California. This is
6 included over -- oh, could we have the next slide.

7 --o0o--

8 CLOSED, ILLEGAL & ABANDONED SITES SECTION

9 SUPERVISOR YOUNG: The CIA program, this has included
10 conducting over 40 Phase 1 office and field
11 investigations. And in conducting these Phase 1 and 2
12 field -- office and field investigations, we spent
13 \$800,000 on our environmental lab services contracts,
14 which is an integral tool to the program to be able to
15 provide this assistance to LEAs.

16 We've also developed CIA priority lists to help
17 us to track which sites are important for us to take a
18 look at and investigate with the LEAs. We then put over
19 1300 inspection reports per year for these CIA sites to
20 help maintain a database that allows us to prioritize the
21 sites.

22 And also, finally, we manage technical support to
23 the LEAs through several means, a website and training
24 during conferences and separate training sessions.

25 --o0o--

1 CLOSED, ILLEGAL & ABANDONED SITES SECTION

2 SUPERVISOR YOUNG: So just to give you an idea of some of
3 the types of projects that we've been working on with the
4 LEAs. The CIA programs installed two continuous gas
5 monitoring systems at the Newport Terrace Condominiums in
6 Orange County and the Belmont Shores Mobile Home Park in
7 Long Beach. Both systems have operated continuously for a
8 year.

9 The Newport Terrace system hasn't detected any
10 levels of gas that exceed the 1.25 percent rule in our
11 regulations. And the Belmont Shores has had some isolated
12 exceedances above 1.25 percent. And we're currently
13 investigating those exceedances of 1.25 percent.

14 Tom White will be going over the Belmont Shores
15 case study, and that will give you some clue as to the
16 health and safety issues at that site.

17 Both systems have assisted the LEAs though in
18 determining this 1.25 percent rule for structures near
19 landfills, which is generally difficult to obtain the data
20 for simply because one-time sampling events may not be
21 representative. The continuous monitoring systems allow
22 the documentation of these gas concentrations within
23 structures to be able to allow the LEA to make a call on
24 whether or not controls are required.

25 I'd like to thank Mr. Abel Martinez for his hard

1 work and technical expertise on these continuous
2 monitoring projects.

3 --o0o--

4 CLOSED, ILLEGAL & ABANDONED SITES SECTION

5 SUPERVISOR YOUNG: The CIA group has also installed gas
6 monitoring networks that meet 27 CCR standards at 9
7 separate locations across California. The wells have all
8 been monitored quarterly for a year, monthly in some
9 locations, to determine if landfill gas migration was
10 occurring and if the site was in violation of 27 CCR,
11 Section 2919.

12 These monitoring networks provide the data needed
13 by LEAs to enforce the gas standards at high priority
14 sites, particularly where residential land-use exists and
15 where the site has multiple property owners.

16 My hard working and dedicated staff, Ms. Dawn
17 Owen, has been traveling the state and logging a lot of
18 frequent flier miles in order to monitor these gas wells.

19 But I think one thing to kind of illustrate some
20 of the problems that we have at the site is, because our
21 regulations only allow us to go after the current RP on a
22 site, with these urban sites being subdivided and owned by
23 multiple parties, it makes it very difficult for LEAs go
24 out and enforce some of these gas standards. So we work
25 with -- sometimes we'll work with the city to obtain

1 permission to install these wells in streets to allow for
2 the installation of the wells and to determine if there's
3 a problem with gas migration.

4 --o0o--

5 CLOSED, ILLEGAL & ABANDONED SITES SECTION

6 SUPERVISOR YOUNG: Here's an example of a gas monitoring
7 well network. This is a site in southern California.
8 It's a golf course. The site was -- had residential
9 development right up to the edge of waste, not allowing
10 for perimeter monitoring probes to be installed between
11 the waste footprint and the residential structures. So we
12 actually ended up having to install gas monitoring wells
13 out in the street. So that just kind of gives you an idea
14 of some the complexities of enforcing that standard at an
15 urbanized site.

16 --o0o--

17 CLOSED, ILLEGAL & ABANDONED SITES SECTION

18 SUPERVISOR YOUNG: And here are just some pictures from
19 some of the gas monitoring well installation projects that
20 we worked on. The center diagram represents a 27 CCR
21 multi-probe -- multi-depth probe, which allows us to
22 understand the subsurface geology and where gas is
23 migrating.

24 --o0o--

25 CLOSED, ILLEGAL & ABANDONED SITES SECTION

1 SUPERVISOR YOUNG: This is a list of some of the sites
2 where we've investigated the waste extents for landfills.
3 Coming back to the comment that Howard had made earlier
4 about trenching, we generally try to stay out of our
5 trenches because the health and safety program doesn't
6 allow us to go into the trench. So even though we are
7 working hard in the trenches, not literally working in the
8 trenches.

9 AT these sites we've investigated basically the
10 extents of the landfill as well as the cover thickness.
11 And generally what we're trying to do with these
12 investigations is determine the footprint of the former
13 landfill to ensure that we understand which responsible
14 parties and property owners are involved, as well as
15 determining the approximate volume and place in case a
16 decision has to be made on whether or not it's
17 economically feasible to clean-close it, and then also if
18 there's an adequate cap to protect public health and
19 safety.

20 So as you can see, these are some of the sites
21 that we've worked on to do this type of investigation.

22 --o0o--

23 CLOSED, ILLEGAL & ABANDONED SITES SECTION

24 SUPERVISOR YOUNG: And this is just a -- this shows -- one
25 of the diagrams included in our work plans, which shows

1 where we're going to investigate the extents of the waste
2 as well as the cover. This is done with -- through an
3 historical aerial photo analysis of the site, where we
4 look at previous operations over time. We also conduct
5 geophysical investigations and surveys of the site to
6 determine potentially where the site is before we actually
7 draw them map and place the location. So we're not just
8 guessing at where we're going to install these, but we go
9 through some pretty -- we go through some processes in
10 order to get to this map.

11 --o0o--

12 CLOSED, ILLEGAL & ABANDONED SITES SECTION

13 SUPERVISOR YOUNG: And here are just some of the methods
14 that are used to conduct these investigations. The direct
15 push is a geo -- there's a technology called geoprobe,
16 which allows the quick field investigation of a site. It
17 leaves a very small footprint, but allows us to
18 characterize the subsurface and allows us to work in
19 highly urbanized areas with a lot of utilities. So this
20 investigation method has really helped us to understand
21 the extents at disposal sites.

22 --o0o--

23 CLOSED, ILLEGAL & ABANDONED SITES SECTION

24 SUPERVISOR YOUNG: And where we can, we'll do trenching to
25 determine the extents of the disposal site because it

1 allows us to perform a great deal of locations for
2 relatively inexpensive costs.

3 --o0o--

4 CLOSED, ILLEGAL & ABANDONED SITES SECTION

5 SUPERVISOR YOUNG: And just, finally, this last slide is
6 the investigation results for some of our sites. I'll
7 give you some time to take a look at those. But basically
8 what we've done is taken the investigation data at several
9 of these sites and worked with our staff counsel, Steve
10 Levine, to help to advise the LEAs on enforcement actions
11 to take based on these findings.

12 Several of the cases we had no significant
13 findings of -- or the site complied with state minimum
14 standards, so there was no issue to pursue. But in some
15 of the cases where there was exposed waste or gas
16 migration occurring, we worked with the LEA and with Steve
17 to make sure that we had a clear strategy for how we were
18 going to get to addressing the RPs.

19 Finally, I'd like to thank Scott and Howard for
20 the support they provided to the CIA program, and Abel
21 Martinez for his managing the CIA program in my absence
22 this past year. I'd like to also thank Brad Penick for
23 his management of our contracts, which are -- there's a
24 lot of administration that has to be done in order to keep
25 those contracts in order since they're task order

1 contracts.

2 And I'd also like to thank Steve Levine for his
3 expert staff counsel to our staff and the LEAs to move
4 these sites forward to compliance.

5 With that, I'd like to introduce Tom White, who's
6 going to talk about the Belmont Shore site.

7 CHAIRPERSON MULÉ: Thank you very much.

8 And if I may, I'd like the record to reflect that
9 Pat Wiggins has joined us.

10 Good morning.

11 And also Board Member Jeff Danzinger.

12 Good morning. Welcome.

13 I thought you weren't going to be here. You're
14 back. You're here.

15 BOARD MEMBER DANZINGER: I decided to be here.

16 CHAIRPERSON MULÉ: Good.

17 And also are you up to date on your ex partes?

18 COMMITTEE MEMBER WIGGINS: Yes.

19 CHAIRPERSON MULÉ: Okay. So we're good.

20 Okay. Thank you.

21 Good morning, Tom.

22 MR. WHITE: Good morning.

23 As Glenn said, my name's Tom White, and I'm with
24 Los Angeles County. And I'm responsible for the majority
25 of the sites we have in the City of Long Beach. And this

1 particular site is located in the southwest part of Long
2 Beach, about a mile north of the Long Beach Marina. And
3 it's the Belmont Shores Mobile Home Estates, where that
4 was primarily the focus of our investigation. But it
5 actually has several sites on it.

6 --o0o--

7 MR. WHITE: I'll just give you a brief history.
8 It was a disposal site that was in operation. It was a
9 city dump and salvage for the City of Long Beach from 1948
10 to 1956. And they supposedly only accepted municipal
11 solid waste. But we know -- we don't assume that that's
12 all that's being dumped there. In fact we know that they
13 had some drill cuttings that were dumped there with hazard
14 waste. And if you listen to some of the people who live
15 there, some of whom remember going to the dump when they
16 were kids, they accepted all kinds of hazardous waste
17 there. So really don't know what was dumped there.

18 It was developed into the Belmont Shores Mobile
19 Estates. That's the bulk of the area. And it also has
20 the Gas Lamp Restaurant, the Bahia Marina, and the Golden
21 Sales Hotel.

22 --o0o--

23 MR. WHITE: This is just a general location here.
24 You can see, this is Pacific Coast Highway. I don't know
25 if you're familiar with southern California. This is the

1 Los Cerritos Channel here. And it's in this general
2 location here.

3 I'm going to move through some of these aerials
4 pretty quick because, you know, we've got quite a few of
5 them.

6 --o0o--

7 MR. WHITE: And this is the same area, 1960.

8 --o0o--

9 MR. WHITE: And here's a general location for all
10 the sites that we were investigating. We have -- right
11 here is the marina -- Bahia Marina. And then this is the
12 general area for the mobile home estate -- mobile estates.
13 And then we have the -- up here it looks like for the gas
14 Lamp Restaurant and then the hotel along here.

15 --o0o--

16 MR. WHITE: And this is a current photograph of
17 the area.

18 And I'm going to jump a little bit ahead because
19 this is the best photograph to illustrate everything --
20 all the areas we're going to be discussing.

21 The Phase 1 of the project called for the
22 installation of 37 probes, 33 within the Belmont Shores
23 complex and we're going to -- we'll put in 4 outside,
24 around the perimeter. And you can see here the -- we'll
25 talk about how we just figured where to put the ones in

1 the Belmont Shores in a minute.

2 But we had one in the parking lot of the marina.

3 And because of its proximity to the hotel, we got some
4 pretty high readings there. That told us we might want to
5 extend our investigation to include these areas. Then we
6 had the Gas Lamp restaurant, we placed a probe there. It
7 was flooded almost immediately. We -- I don't think we
8 got any readings out of that probe.

9 Over here at the -- all the way over to the end
10 is a little park outside the footprint of the landfill.
11 That was our compliance point probe. And we took readings
12 and didn't get any. We were all nondetectible, so that
13 was good.

14 And then we had -- over here in this park here we
15 put another probe, right here. This is a golf course.
16 And these houses here, all of that is on landfill. And we
17 have a group town homes right here called Whaler's Cove.
18 And I do quarterly inspections on all of those sites.

19 And the reason we weren't quite as concerned
20 about these residences here is because they have an active
21 gas ventilation system. And they just installed a new
22 one, pretty high tech, that has -- when the methane
23 reaches a certain point, the fans kick on.

24 So even though we do get readings here and there
25 are permanent residents here, we were mainly concerned

1 with the residents of the mobile home park who just have a
2 passive ventilation system.

3 --o0o--

4 MR. WHITE: Okay. And then back to the
5 seventies, they had grading settlement gas issues. In
6 1973 they installed 17 vents. And they did have an
7 explosion in 1975, with one death. And now they continue
8 to have major settlement issues. It's pretty bad.

9 --o0o--

10 MR. WHITE: These vents had been monitored by a
11 private consultant and are still today monitored by a
12 private consultant. But in 1994, the Waste Board was
13 called in to evaluate, mainly due to the obvious
14 settlement issues, and found excessive gas in the storm
15 drains and vents also. So there was a recommendation for
16 a full scale monitoring program. And since then we've
17 been doing quarterly inspections of that site.

18 And we checked all the vents and we checked all
19 the drains in each individual coach. There are over 300
20 coaches.

21 And then in 1998 they installed an additional
22 vent, which may not seem like a big deal. But they --
23 apparently they were getting so much gas coming out of one
24 vent, they put another vent to try and just split it up.
25 And it turns out that vent was the -- one of the only ones

1 we could really trust, because we were getting readings up
2 to 11 percent coming out of that vent. So that was sort
3 of an indication that something was up.

4 And then in 2002 it was brought to the attention
5 of the CIA group.

6 --o0o--

7 MR. WHITE: And in 2004 my supervisor, Pete Oda,
8 called the Waste Board and asked for assistance in
9 conducting an investigation for the concerns he had had
10 for years with this particular site, and discussed of
11 course some possible mitigation measures. And I explained
12 why we focused on the Belmont Shores Mobile Home Park,
13 because of all the sensitive receptors there.

14 --o0o--

15 MR. WHITE: Okay. We put 33 probes within the
16 complex. And we didn't just pick them at random. Dawn
17 Owen came and reviewed every report that we had on this
18 site and decided that there were certain areas that had
19 higher concentrations of gas readings over the years. And
20 that's how we decided where to place the 33 probes within
21 the Belmont Shores complex.

22 --o0o--

23 MR. WHITE: And then we used a company to make
24 sure we didn't drill into something we shouldn't. And we
25 began the installation process. And I explained all 33

1 and then 4 around the perimeter. And we took gas samples
2 initially and sent them to the lab. And then Dawn Owen
3 and I began biweekly monitoring for a two-month period.

4 --o0o--

5 MR. WHITE: And these -- each of these well
6 casings, these 37 casings, had two to three probes at
7 varying depths. He had them varying from 5 feet to 13
8 feet. A lot of it depended on the water table. It was
9 very close to the water, so we had a lot of flooding
10 problems.

11 --o0o--

12 MR. WHITE: And this just some more equipment,
13 I'm sure you're all familiar with.

14 --o0o--

15 MR. WHITE: And this was the result that we
16 found. We found an -- this is an average gas
17 concentration, at 51.2 percent. And I think our highest
18 was over 80 percent at one location. And we were getting
19 high readings at as little as five feet in depth. So we
20 were concerned obviously when we got these results at
21 Phase 1.

22 --o0o--

23 MR. WHITE: And, again, more -- just code
24 sections that...

25 --o0o--

1 MR. WHITE: Now, based on these findings we
2 recommended that they install -- equipped each coach with
3 a gas monitoring system, because we felt this was a
4 significant risk. Because we weren't sure how -- what the
5 integrity of the cap was like. And even though we haven't
6 gotten any significant surface readings, we found a lot of
7 cracking underneath the coaches. And all it would take
8 would be one incident that could -- that this percentage
9 of methane it could quickly become a problem.

10 --o0o--

11 MR. WHITE: And of course we wanted to determine
12 if surface migration exists. And I think we satisfied
13 ourselves that that wasn't really an issue with our probe
14 outside the footprint, one of the few areas you can have
15 probes that are not a footprint of the landfill around
16 that area.

17 Now, the Phase 2 of the investigation was going
18 to -- called for the installation of eight continuous
19 monitoring sensors that were going to be monitoring 24
20 hours a day, 7 days a week for a year.

21 --o0o--

22 MR. WHITE: And the way we picked those locations
23 is Dawn went back to work, took all the data we got from
24 the Phase 1, and decided that this area in here was the --
25 we got quite a high concentration in this area and these

1 areas here. We put one over here because this is where
2 the explosion occurred, and we wanted to make sure we had
3 that covered. And then we put one I think over here to
4 maybe just give us a good distribution throughout the
5 complex.

6 --o0o--

7 MR. WHITE: And what we did was we were lucky
8 enough -- Abel Martinez got us some very sophisticated
9 wireless equipment, so we didn't have to hard-wire
10 anything. It saved us a lot of time and trouble. We
11 had -- each of them were equipped with a sensor with a
12 transmitter, and the receiver was placed on the roof of
13 the laundry room, which is the highest, most centrally
14 located point. And then we put the data logger here in
15 the maintenance room -- within the laundry room.

16 --o0o--

17 MR. WHITE: And so here's the sensor and the
18 transmitter on -- it was placed on the roof of these eight
19 coaches. Which, by the way, we got volunteers to -- and
20 we had many volunteers who were anxious to do this, and we
21 narrowed it down. And we picked people who had
22 volunteered to do this to make sure that everything was
23 safe.

24 --o0o--

25 MR. WHITE: Then we did an initial calibration

1 using a known quantity of gas. And since then I have been
2 doing the monthly calibrations throughout the year while
3 the project was ongoing.

4 --o0o--

5 MR. WHITE: More equipment here.

6 --o0o--

7 MR. WHITE: And the result was basically that we
8 judged this being -- them to be in compliance when each
9 coach is equipped with a methane gas monitoring system.

10 --o0o--

11 MR. WHITE: At this time they have complied. And
12 there's a new owner. The previous owner, who had allowed
13 all these issues, some related to landfill and some not,
14 to just go unchecked for so long, declared bankruptcy.
15 They got sued by the residents. It was a big thing.
16 Great timing for us to be there.

17 But we have a new owner now, who appears to be
18 very cooperative. And they were very quick to install --
19 equipped each coach, again over 300 coaches, with their
20 own methane detection devices. And we had a few false
21 alarms in the beginning and I had to go out quite a bit to
22 check. And now I think we've got them running smoothly.
23 And all the residents seem to feel a lot safer knowing
24 that each -- this is an extra precaution for them.

25 And that leads us to the possibility of extending

1 the operation because, as I mentioned, we had those high
2 readings in a proximity to the hotel where you have
3 temporary -- lots of temporary residents. And then to a
4 lesser extent you have the nightclub that could be at
5 risk, and then the marina. So we just had a meeting with
6 the owner of the property. It's a single owner -- owned,
7 but with many lessees throughout the property. And we've
8 gotten them to agree -- they're submitting a proposal this
9 week for us to review for them to install this continuous
10 monitoring system in each of these locations.

11 So hopefully then we can give them an extra
12 degree of safety too.

13 --o0o--

14 MR. WHITE: So unless you have any questions for
15 me specifically, I would like to introduce my supervisor,
16 Pete Oda, who has some things.

17 CHAIRPERSON MULÉ: Yeah, I'm sure we have lots of
18 questions.

19 Both of you, excellent presentations. Thank you
20 so very much. Very, very interesting. And as you
21 mentioned, Scott, these are the kinds of programs that we
22 run here at the Board in conjunction with our LEA
23 partners. And we often don't hear about these success
24 stories. So thank you for bringing this to us.

25 First we have Board Member Wiggins with a

1 question.

2 COMMITTEE MEMBER WIGGINS: Yeah. With the gas
3 probes, what happens to the gas?

4 MR. WHITE: With the gas -- the probes that we
5 install or you mean the vents that were -- are previously
6 installed?

7 COMMITTEE MEMBER WIGGINS: Well, okay, the vents.

8 MR. WHITE: The vents, well, they were designed
9 to vent the gas. But unfortunately we discovered that a
10 lot of them had sunk into the ground over the years and
11 they weren't quite installed properly, so that they
12 weren't functioning as well as we'd hoped.

13 There may come a time where they may have to
14 install an active system. That's a possibility. But at
15 this time they just have the passive vents and they've got
16 many of them throughout the park that we do get some
17 readings from. But obviously not what we'd expect -- we
18 didn't expect to see this high of a concentration.

19 COMMITTEE MEMBER WIGGINS: Well, venting the
20 gas -- I don't get what happens to the gas.

21 MR. WHITE: Well, the main concern we have with
22 methane is the accumulation under the coaches in the
23 trailer park. And then what will happen is if it gets to
24 a concentration particularly between 5 and 15 percent, it
25 can be explosive or it can be flammable above that.

1 That's our main concern. It's not -- the methane will
2 dissipate because it's lighter than air once it's vented
3 out. But the main thing we're looking for is accumulation
4 and in confined spaces.

5 The other thing we're concerned about is that
6 methane displaces oxygen. So if it's -- we have a lot of
7 storm drains, sort of manhole things. If it accumulates
8 in those confined spaces, the oxygen can kill somebody
9 just -- quicker than the methane in a confined space.

10 But the answer to your question is, once it's
11 vented out, because it's lighter than air, it will
12 dissipate and will not, as far as we know, cause any
13 threat to the community. It's only when it accumulates in
14 a small space that it becomes a major threat.

15 COMMITTEE MEMBER WIGGINS: Thank you.

16 CHAIRPERSON MULÉ: Board Member Peace.

17 COMMITTEE MEMBER PEACE: So you'd said you have
18 these probes and sensors on each coach. Then you
19 mentioned when the readings are high. So the readings
20 continually go up and down then?

21 MR. WHITE: Actually we haven't gotten any --
22 since they've installed those. They're just simple
23 mechanism -- almost like a smoke detector that goes off at
24 the presence of any methane. And we hadn't -- the ones
25 we've had gone off -- that have gone off, I've gone out to

1 check and gotten nondetectible readings.

2 As far as our sensors, we did bet a couple of
3 spikes, which I went out several times to check and got
4 nondetectible readings. And Abel Martinez suggested that
5 it's possible that maybe one of the units had a pest
6 control service done, and that can sort of give us a false
7 reading.

8 But as far as our sensors, from what I
9 understand, we haven't gotten anything that was out of the
10 ordinary. And the detectors they've installed are set at
11 a very small -- very small amount -- to go off at a very
12 small amount of methane, much less than would be a threat.

13 So it's a real -- it's an extra precaution, we're
14 being extra careful.

15 COMMITTEE MEMBER PEACE: So that gas is being
16 then continually vented?

17 MR. WHITE: They have vents set up around all
18 throughout the park that are supposed to vent it out. And
19 they are venting it to a certain degree. But we shouldn't
20 be seeing this high a concentration after this much time.
21 That's what surprised us. So we came to the conclusion
22 that it wasn't working as well as we'd like. And we --
23 the main concern is to at first make sure that the
24 residents are protected and we've got the alarms
25 installed. And now we're meeting with the owner to -- you

1 know, to discuss further mitigation. They're having
2 problems with one -- they think is a trench in one area
3 that the gas is coming up. They're planning on plugging
4 that trench just to make sure. That was the only place we
5 ever gotten readings outside of the park.

6 And so we're working -- they're working with us
7 and they're being very cooperative at this point and
8 actually doing more than we had required them to do at
9 this point. And so eventually we want to make sure that
10 all -- that the gas is being properly vented. But at this
11 point our main concern were those residents, because
12 that's what we worry about. We worry about explosions,
13 then fires and things that are immediate threats to human
14 life.

15 COMMITTEE MEMBER PEACE: Okay. Thank you.

16 CHAIRPERSON MULE: So, Tom, are the vents
17 effective then?

18 MR. WHITE: I think to a degree they are because
19 we are getting readings out of some of them. But like I
20 said, this kind of -- we were all shocked. I mean my
21 supervisor, Pete Oda, knew that this was an issue because
22 these settlement problems and the fact that were it not
23 for this program, the CIA program, we would have just
24 continued going on and doing our one-time sampling events
25 and just assuming that everything was at least safe. And

1 we found out through this investigation through a lot of
2 hard work and people that had equipment that we can't have
3 access to and the time to go down and do the
4 investigation, and found out we -- there was more than we
5 had thought. So we're going to now address that. But I
6 think that now we've done the best we can right now to get
7 the residents protected from any kind of threat --
8 immediate threat.

9 CHAIRPERSON MULÉ: Right. And the methane is
10 high because it's -- because of the nature of the
11 landfill --

12 MR. WHITE: Yeah. And it was -- I don't know
13 whether it's to do with the water table or -- there's a
14 lot of other industry around there. And from what I here
15 from the people who lived there for 30, 40 years, that
16 they had -- there's a big plant, chemical or power plant
17 there. And they have had spills that they didn't report,
18 according to some people. And there's so much going on
19 there, we really don't know what causes it to be that
20 high. We just know we have to deal with it, now that it's
21 there.

22 CHAIRPERSON MULÉ: Very interesting.

23 Pete, if you want to come up, introduce yourself
24 to the Committee.

25 Thank you for being here, by the way, both of

1 you. Really appreciate it.

2 MR. ODA: First of all I'd like to -- My name's
3 Pete Oda. I'd like to thank Tom for his excellent
4 presentation.

5 My presentation is going to be limited.

6 Chairperson Mulé, Board members, Howard, and CIA
7 staff. It gives me great pleasure to recognize one of
8 your dedicated staff members. She doesn't know this, but
9 I would like to present Dawn Owen with a Certificate of
10 appreciation.

11 Dawn, can you please come up please.

12 (Applause.)

13 CHAIRPERSON MULÉ: Well deserved.

14 MR. ODA: I'd just like to read the certificate.

15 "Certificate of Appreciation awarded to Dawn
16 Owen, Waste Management Specialist, California Integrated
17 Waste Management Board, in recognition of your dedicated
18 service to the Los Angeles County Local Enforcement Agency
19 and the citizens of Los Angeles County." And then in
20 parentheses it says, "continue your commitment to save one
21 landfill at a time."

22 (Applause.)

23 MR. ODA: Okay. And so doing, the presentation
24 that you heard today on Belmont Shores is just one example
25 of numerous closed landfill sites throughout the state

1 that still today after 30 plus years still have gas
2 issues. The County of Los Angeles Local Enforcement
3 Agency would encourage the Waste Board to continue their
4 effort and funding this section of the program. We feel
5 it is a vital component and a necessary service provided
6 to the LEAs for the protection of public health and the
7 environment.

8 So that's --

9 CHAIRPERSON MULÉ: Thank you very much. I
10 personally agree with you. This is a very important
11 program that we should continue and expand, if we can.

12 Okay. Any other questions?

13 Board Member Peace.

14 COMMITTEE MEMBER PEACE: I just had a general
15 question. We hear that there's numerous closed landfills.

16 How confident are we that all the CIA sites have
17 been identified?

18 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

19 MANAGER WALKER: Well, I think that -- Scott Walker,
20 Permitting and Enforcement Division. We do find new
21 sites. We look for them. And we find several each year.
22 I think it's to the point now where -- in the early years
23 we were finding a lot more that we didn't know of. Now
24 it's like not as often. So I think we have a pretty good
25 handle on it. But that's not to say we are going to

1 identify new sites. But I think the real main ones, I
2 think we're a lot more confident now that we have a pretty
3 good capture of those. But there still are some other
4 areas that we're looking at right now for many of these
5 sites.

6 One of the areas is the indian reservation lands,
7 which we have a lot of open dumps. Now we're just
8 starting to get, you know, involved in that, although it's
9 primarily U.S. EPA jurisdiction though.

10 But, yeah, we will find more. We feel more
11 confident we really have the main ones out there.

12 And, also, I think with illegal disposal sites,
13 they tend to pop up. Didn't exist before and all of a
14 sudden they're there. And they're a large site that needs
15 to be worked on.

16 COMMITTEE MEMBER PEACE: So a lot of these old
17 ones, how are they found? Is it like somebody goes to
18 build a house or a development or something and starts
19 uncovering this stuff? Or how are they usually found?

20 CLOSED, ILLEGAL & ABANDONED SITES SECTION

21 SUPERVISOR YOUNG: That's exactly the case. For instance,
22 at Elvas Avenue, which is at St. Francis High School, that
23 site was actually found because they were doing
24 preliminary activities for constructing the Performing
25 Arts Center and detected levels of gas. And their

1 geotechnical borings, that indicated that there was
2 something wrong with the site. The Sacramento County LEA
3 was unable to find this site up until that information was
4 divulged to them by the consultant who was working on that
5 project.

6 So that is actually one of the -- probably that's
7 going to be how we're going to find a lot of these sites
8 is through development of outlying areas.

9 But I agree with Scott. I think we have a good
10 handle on a lot of the county, municipality -- the
11 formerly operated disposal sites in California. But as
12 far as privately owned sites, we may not have necessarily
13 a good, you know, handle on those.

14 COMMITTEE MEMBER PEACE: So like the Belmont
15 Shores site, when you say it was from the forties and the
16 fifties, that just goes to show that these disposal sites
17 can pose a threat long past 30 years.

18 CHAIRPERSON MULÉ: Okay. Any other questions or
19 comments?

20 Also, if I could just make another announcement
21 to either please turn off your cell phones or put them in
22 the silent mode. We just want to make sure that we can --
23 all of our equipment is working here. And Board Member
24 Wiggins seems to be having a problem. So --

25 COMMITTEE MEMBER WIGGINS: If there's speakers on

1 and they're not using it.

2 CHAIRPERSON MULÉ: Okay. So if your microphones
3 are on, turn them off when you're not using them.

4 Thank you.

5 All right. Thank you -- again, everyone, thank
6 you very much. Excellent presentation.

7 Let's move on then. Our next agenda item is
8 Committee Item C, Board Agenda Item 13.

9 And, Howard, I'll hand it over to you.

10 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
11 Chair.

12 And I just also want to thank Tom and Pete and
13 our staff, and just reiterate the number of sites that are
14 involved in that program that we know about -- you know,
15 there's 12 or 1300 that are inspected each year, several
16 hundred that have been referred for cleanup, and then the
17 60 or so that are high priority. But things keep popping
18 up with new encroachment and development all over the
19 state.

20 Last year we had -- the case study was the Bisso
21 Dump in Sonoma County. So it's in rural areas as well.
22 Bob Swift had handled that one. And then he was
23 outstanding LEA of the year. And this year we gave you an
24 example of a southern urban site. So it's a big problem.

25 With that, Item 13 or Agenda Item C is

1 Consideration of the Adoption of the proposed Permit
2 Implementation Regulations; or Request for Direction on
3 Noticing Revisions to the Proposed Regulations for a
4 Second 15-Day Comment Period.

5 I'd like to make a couple of introductory
6 remarks, shorter than I did last month.

7 This is a very important and complicated rule
8 making, and it covers many major concepts that we can go
9 over in more detail. These include significant change in
10 the design and operation of a solid waste facility that's
11 not authorized by an existing permit. They include a
12 decision tree methodology for LEAs to follow in
13 determining how to accommodate proposed changes. And
14 associated with that are both a list of minor changes and
15 a list of significant changes that were included in the
16 last regulations that went out for comment.

17 Another category that's of major importance in
18 this rule making is the public noticing and hearing
19 requirements for new and revised permits, and the noticing
20 requirements for modified permits and RFI amendments.

21 And yet another category which we've received a
22 number of comments on is the relationship of the Solid
23 Waste Facilities Permit to local land-use entitlements.

24 Earlier this year the Committee directed staff to
25 notice the regulations -- proposed regulations for a

1 60-day comment period, which we did. That ended in June.
2 And we brought those results and those comments back to
3 you last month at the September Committee meeting.

4 At that meeting you directed us to modify the
5 proposed regs by the following: One is to include the
6 minor change list and also some minor language changes at
7 the end of that list; second was to include the
8 significant change list; and then third was to initiate
9 the 15-day comment period, which ended on September 26th.

10 So we're now seeking your direction of specific
11 changes to make to the existing proposed language; and to
12 either adopt the regulations if we can determine that
13 you're satisfied and that there are no substantive changes
14 that need to be sent out for additional public comment, or
15 if there are substantive changes, then we would ask that
16 the direct us to doing a second 15-day notice.

17 I'll just reiterate once again what everybody has
18 said. This has been in my mind an outstanding public
19 process. And I think everyone from the stakeholders have
20 done a great job of commenting and providing information.
21 Mark and Becky and Bobbi and Michael Bledsoe from the
22 Legal staff have been extremely responsive and laid out a
23 process that is I think a real model for many, many of
24 these kinds of processes.

25 So with that, I'll turn this over to Mr. Mark de

1 Bie.

2 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

3 Thank you, Howard.

4 Mark de Bie with Permitting and Inspection

5 Branch. And I'll make the bulk of the staff presentation

6 today and lean heavily on Bobbi and Michael for support,

7 as I have all through this process.

8 (Laughter.)

9 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

10 As Howard indicated, we have just completed the

11 first 15-day comment period. We received 28 comment

12 letters, that have been posted on the Board's website.

13 Most of the comments focused on three main areas.

14 Not entirely on three main areas, but most of them focused

15 on the minor change list, comments regarding noticing and

16 the information meeting that are embedded in the regs, and

17 then comments relative to the regs trying to clarify the

18 relationship between the local land-use approvals and the

19 Solid Waste Facility Permit application process.

20 Staff have reviewed all the comments and done

21 their analysis on it. And in response to the comments, we

22 have made a number of changes to the regulations. And the

23 version of the regs that include the changes are found in

24 Attachment 2 of your package.

25 Currently staff's view of the changes that are in

1 Attachment 2 is that these are not substantial changes.
2 And pending the outcome of this hearing, staff doesn't see
3 a need to necessarily do a second comment period if we
4 stay with these particular changes.

5 I call your attention also to Attachment 1, which
6 is a table that summarizes the various comments received
7 and then staff's sort of draft approach to those comments,
8 sort of a beginning to what would end up being the
9 backbone to the final statement of reasons relative to the
10 regs on why they look the way they do. And in there you
11 can indicate -- it will be indicated where we've found a
12 good idea to carry forward and resulted in modifying the
13 regs; or if we didn't necessarily agree with the
14 commenters, our rationale relative to that and indication
15 of how we're responding or not responding to that
16 particular comment.

17 Certainly staff can walk through the current
18 version of the regs and indicate all of the various
19 changes. But before we do that, or if we need to do that,
20 I wanted to run through a little bit more detail of what
21 Howard indicated, basically giving you a sense of what
22 these regs in their current form will accomplish, how
23 they'll change the permit process.

24 One of the changes that was sort of always there
25 and was a requirement, what really started this reg

1 package, was an effort to define "significant change".
2 And so the regs continue to include a definition of
3 "significant change". With this newest version we have
4 slightly modified that definition to strike out some
5 language that we had included previously relative to the
6 definition and how it may or may not relate to a CEQA
7 finding.

8 We found some commenters had various ideas about
9 what that language did or didn't do in that definition.
10 We thought for simplicity and clarification sake we would
11 just remove the language and just make a firm statement
12 that this definition of "significant change" only deals
13 with determining when a permit needs to be revised. And
14 that's the only purpose for this definition. If you try
15 to use it for any other purpose, it's inconsistent with
16 these regs.

17 CHAIRPERSON MULÉ: Right.

18 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

19 The regs continue to establish a methodology, a
20 decision tree to determine what kind of approval is
21 required for various kinds of changes, anything from a
22 minor change to a significant change; when would an RFI
23 amendment be required, a modified permit be required or a
24 revised permit? So that continues to be included.

25 The regs continue to include a significant change

1 list, and there are currently only four items on that
2 list. If a proposed change was one which was included on
3 this list, it would always require that the permit be
4 revised. So if -- for example, if the change in the
5 maximum amount of permitted tonnage was to increase, that
6 would result in a revision. That would be independent of
7 the decision tree.

8 The regs continue to include a modified permit
9 process to deal with changes to the permit that aren't
10 considered significant; don't rise to the level of
11 requiring a revision, but still the permit needs to be
12 changed. And when I say permit, I continue to refer to
13 the document that the LEA writes and issues. So the regs
14 continue to use -- describe a process independent of the
15 revision process that would allow permits to change if it
16 was considered something less than significant and didn't
17 require a revision.

18 The regs continue to include a minor change list.
19 We added some clarification language in this area. One is
20 it was the intent to indicate that any kind of change that
21 could be considered minor would need to satisfy a set of
22 criteria and then could also be included on a list, but
23 the list would not be inclusive. There could be other
24 items that could also meet this criteria that could be
25 considered minor. So we added some language to link up

1 the criteria with the list to clarify that. Even though
2 you may be on the list, you still have to look at the
3 criteria to make sure you qualify that way too.

4 And then there were some edits that we had to do,
5 some of the numbering. We had inadvertently had included
6 the duplication of one of the items after some editing, so
7 we took care of that. So it was basically some cleanup on
8 that.

9 We did receive a number of comments relative to
10 the noticing requirements that were included in the regs
11 this time around. When I said that there were 28
12 comments, it was -- 16 of those were from students who as
13 a class assignment had prepared comments on our
14 regulations on one particular section. And so we thought
15 that their observations were great, wonderful. However,
16 we did not include them in the regulations. But we are
17 going to keep ahold of them and implement them through LEA
18 training as well as guidance documents relative to how an
19 LEA could improve upon their noticing and their
20 informational meeting areas.

21 They focus mostly on the various options that
22 LEAs could utilize to increase public involvement. The
23 reg does allow LEAs to pretty much pick and choose and do
24 whatever they want to do. And so an effort to continue to
25 itemize things we thought would just not be needed and

1 would be better to be outside the regs but certainly made
2 available through training and guidance.

3 The regulations do continue to require noticing
4 for RFI amendments, which is new, and also noticing for
5 modified permits, as well as noticing for new permits. So
6 those are all new items that had never occurred in regs
7 before. The only noticing that occurs currently without
8 these regs under statute is for revised permits.

9 So the regs, even though we did get several
10 comments relative to these new noticing requirements for
11 RFI, modified and new permits, we felt that it was -- by
12 continuing to include them, we were being consistent with
13 1497 language that spoke to environmental justice issues
14 relative to the permit process.

15 The regs continue to require operators to provide
16 information to the Board relative to -- as well as the LEA
17 relative to the various opportunities that the public may
18 have had to learn about their project that's being covered
19 by the Solid Waste Facility Permit.

20 We continue to pass on the responsibility to
21 notice operators of their requirement to apply for a
22 five-year review for registration in standardized permits.
23 The LEAs currently notice operators for full permits.
24 And, again, we have not seen anything from the commenters
25 to indicate that there's a need for the Board to continue

1 in that role, and that the LEAs could do that. We will
2 continue to offer support to the LEAs certainly in the
3 transition, if not further into the future, to help them
4 in monitoring and facilitating that review notice process.

5 COMMITTEE MEMBER PEACE: Mark, so how will we
6 know if the LEA doesn't notify? I mean do we keep a
7 list we're going to know --

8 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

9 We have the dates in our database, and we'll be
10 tracking that either through, you know, day-to-day staff
11 process or certainly in the evaluation process once every
12 three years. That would be something to look at to see if
13 the LEA did carry out that responsibility or not. But we
14 do track those dates. And that would probably be part of
15 our function, at least initially, is to assist the LEAs in
16 setting up some sort of tracking system or monitoring
17 system and then helping them with that.

18 COMMITTEE MEMBER PEACE: Okay. Thank you.

19 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

20 The regs continue to require LEAs to have an
21 inspection program that allows or requires unannounced and
22 random inspections whenever it's possible.

23 And, lastly, the regs continue to attempt to
24 clarify the relationship between local land-use approvals
25 and the Solid Waste Facility Permit application process.

1 And during this last comment period we did
2 receive again several comments relative to this issue and
3 the changes that staff had made and the Committee had
4 asked to be noticed in this area.

5 Right now the regs would do a couple things in
6 this area. One is to pull out the land-use -- the
7 requirement that the applicant provide the LEA with a
8 land-use permit, if there is one, as part of the
9 application package.

10 I should note that the LEA continues to have some
11 authority to require additional information to be provided
12 to them in the application process. So certainly the LEA
13 could potentially choose to ask the operator to provide
14 them with additional information that might include the
15 land-use approval. So it would be available to them
16 either through the applicant or, you know, through their
17 working with sister agencies they could access that
18 information. So we're not writing anything in the regs
19 that would prevent the LEA from getting that information.

20 We are indicating that there could be a new
21 obligation of the applicant to provide notice to the
22 land-use authority that they are requesting a Solid Waste
23 Facility Permit or -- new permit or a revision to the
24 permit or modification to the permit to the LEA by
25 providing a copy of the application form to the local

1 land-use authority. And the intent of that was that there
2 would be a communication bridge built so that if the land
3 use authority saw some issues, they could raise that,
4 bring that to everyone's attention and start working from
5 their side of the table on that issue.

6 We have increased the level of guidance in the
7 regs in the form of a note indicating that when the LEA
8 sits down to write the Solid Waste Facility Permit, that
9 would be an appropriate time to take into consideration to
10 have in front of them all of the approvals relative to
11 that site, be it land use, be it approvals from the air
12 district, Water Board, Fish and Game, whatever might be
13 appropriate for that particular site, so that they can
14 write a permit that is certainly not in conflict with
15 those permits that would sort of negate them somehow, but
16 also just to have a greater awareness of what the
17 limitations, what the restrictions, what the requirements
18 are on that site so they can write a solid, enforceable
19 permit for the areas within their authority.

20 COMMITTEE MEMBER PEACE: Excuse me. If you say
21 that you should have all those other permits in front of
22 them so they can write a permit that takes all that in to
23 consideration, why would we take out the requirement then
24 that the other use permits be provided to the LEA?

25 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

1 We're taking out the requirement that it's the
2 applicant's job to provide that to the LEA. And the main
3 reason is, in trying to seek greater clarity about what
4 the role of land use is in the application process, we
5 found that LEAs were implementing the process in different
6 ways. We had some LEAs that recognized the land-use
7 permit as part of the application package and applied
8 their requirement to deem the package complete and correct
9 on the land use. So basically they ended up judging the
10 land-use permit relative to what was being requested of
11 them through the Solid Waste Facility Permit process and
12 determining whether or not it was consistent with that and
13 opining whether it was consistent or not.

14 We had a number of LEAs say, "What you're asking
15 of me in the Solid Waste Facility Permit is inconsistent,
16 in my opinion as the LEA, with this land-use approval.
17 Therefore, your permit application is incomplete. Go
18 away, come back when I can determine that the land-use
19 approval is consistent with what you're asking in the
20 permit process."

21 COMMITTEE MEMBER PEACE: And I'm thinking -- I
22 guess what I'm thinking what's wrong with that, don't we
23 want them to make sure that they're consistent?

24 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

25 Well, in staff's view it was the LEA making a

1 determination about another entity's permit and then
2 making a decision about the LEA's permit process.

3 So what the regs have tried to do is craft a
4 process where the local land-use authority has a greater
5 awareness of what's going on. So if the local land-use
6 authority says, "Wait a minute, you need to do something
7 with us first," they can come to the table and make that
8 statement --

9 COMMITTEE MEMBER PEACE: So by requiring them to
10 send the Solid Waste Permit --

11 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
12 -- application --

13 COMMITTEE MEMBER PEACE: -- to the Land Use
14 Department, we're leaving like in their hands to say
15 whether it is --

16 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
17 That would allow them a greater awareness of
18 what's going on and not, you know, avoid some of the
19 potential back-door process where someone's jumping ahead
20 to the LEA and not working through their land-use
21 requirement. So it would allow a greater awareness.

22 And, you know, we did receive a lot of comments
23 in this area. And one of the items that staff sort of
24 focused on as potentially something that we could add to
25 the regs is to try to -- well, we looked at one of the

1 mechanisms that was suggested by the stakeholder that in
2 our view would actually pretty much force an applicant to
3 deal with the land-use people before they came to the LEA.
4 And that is to require the applicant to provide the LEA a
5 letter from the land-use authority that would, for all
6 intents and purposes, say, "You're fine with us. You've
7 done what you need to do."

8 So there's some pros with that. The pros being
9 that if you can't get a letter from the land use, that
10 means that potentially there's an issue with land use and
11 that that needs to be worked out. And that's a good thing
12 because the land-use approval should be one of the first
13 things that are worked out.

14 The cons are you might not be able to get a
15 letter because "we're too busy to write letters and
16 there's no reason why we have to write a letter. And so,
17 you know, we're not going to write a letter." And so the
18 applicant can't provide a letter to the LEA.

19 It's staff's opinion that we can't write a
20 regulation that requires every local land-use authority in
21 the State of California to write letters. So it would be
22 up to the applicant and their ability to lobby and cajole
23 and, you know, whatever methodology they can to try to get
24 a letter out of the land-use authority before they went to
25 the LEA. And that may not be practical.

1 So it has been floated. There are some merits to
2 it. But because of more -- I think in staff's opinion the
3 cons maybe outweigh the pros on that, that we have not
4 included that aspect in the regs at this time.

5 COMMITTEE MEMBER PEACE: Because I got a
6 little -- a letter here, a little comment here, and I'm
7 sure this is true. It says, "Regardless of any terms and
8 conditions imposed on the Solid Waste Facility Permit, the
9 requirements imposed by the CUP are still binding," and
10 they take precedent, so I would say, over this permit.

11 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
12 Right.

13 COMMITTEE MEMBER PEACE: Now, is that then made
14 clear in the regulations, that anything the CUP is --
15 takes precedence over anything written in the permit?

16 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

17 Yeah, there are statements in the regs -- in the
18 sort of the preamble part of the regs as well as in
19 statute that clearly indicates that nothing that we do in
20 regs can supersede, take precedent over some other
21 entity's approval or requirement, and certainly not land
22 use. So if there is a -- if there is a conflict in that,
23 you know, the operator would need to abide by the more
24 restrictive requirement until there's consistency
25 established.

1 COMMITTEE MEMBER PEACE: Okay.

2 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

3 So with that overview -- and, again, staff is
4 available to answer your questions about any specific
5 changes. And I believe in Attachment 2 the changes that
6 were made between the last version that the Committee saw
7 and this are highlighted in yellow for -- and double --
8 underlined double, strike out -- oh, bolded too, sorry --
9 yellow and bolded so you can find them quickly. But we
10 can go through those.

11 CHAIRPERSON MULÉ: I think it would be helpful if we
12 went through those rather quickly, just again so we can
13 show everyone what was changed, and again the
14 justification for perhaps not going out for an additional
15 15-day public comment period.

16 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
17 Okay.

18 CHAIRPERSON MULÉ: So with that, please continue.
19 Thank you.

20 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

21 All right. Bobbi reminded me that there are
22 copies in the back of the room, if people in the audience
23 want to read along. And it is on the website as
24 Attachment 2, if people are reading along listening on the
25 web.

1 The first change appears on page 2, line 22, 23.
2 And this is the change that I referred to earlier where we
3 were striking out some language that we had included in
4 the definition, to take out the CEQA reference and just
5 leave it as saying that "this definition only pertains to
6 making a determination relative to revision and no other
7 purpose."

8 The next change appears on page 6, line 12 and
9 13. And we had a comment indicating that it wasn't clear
10 what kind of meetings we were referring to. So we've
11 added language to indicate that we're looking for
12 information on public hearings and other meetings open to
13 the public. So private meetings would not need to be
14 listed by default.

15 And as we go through this, remember it's staff's
16 view that all of these are not substantial --
17 nonsubstantive changes. And right now we don't see a need
18 to go out to additional comment on these.

19 On page 7, line 13, 14, we've added in the
20 specific references to the regulations that deal with
21 reported facility information for various types of
22 facilities; so landfills, transfer stations, compost
23 facilities, C&D facilities. So that people will know
24 exactly what we're talking about when we refer to RFIs.
25 Before we just had a general reference to all RFIs. But

1 now we've listed them out.

2 Certainly if we add any more new RFIs, we'll have
3 to come back and amend this and add it into the list. So
4 it reduces some flexibility there. But we wanted to be
5 responsive to the observation in the comments.

6 Oh, yes. Oh, thank you.

7 An important change is on page -- or line 14
8 where -- as I indicated previously, we tried to make it
9 clear that it's not just that you're on the list, but also
10 you have to meet the Criteria A through D relative to
11 minor change. So you have to be consistent with CEQA,
12 state minimum standards, the permit, be consistent with
13 the RFI as enumerated on the list. But we continue to
14 indicate that the list is not inclusive. So other changes
15 could meet the criteria and therefore be determined to be
16 minor. But at least the list there indicates some to
17 start from.

18 COMMITTEE MEMBER PEACE: May I ask a question?

19 I know there was some concern over this, not only
20 by me but with staff, about leaving in the minor change
21 list, and then especially with adding that -- that it's
22 not all inclusive. That the minor change list, if it
23 meets these other criteria, then --

24 COMMITTEE MEMBER WIGGINS: They took it out.

25 COMMITTEE MEMBER PEACE: No, they left it in

1 there. They left in that these minor changes include but
2 are not limited to. But they added that then they have to
3 meet -- they still have to meet the criteria. And I'm
4 trying to think who is it that determines if it meets the
5 criteria or not. The owner, the operator?

6 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

7 The way the regs are laid out, it would be the
8 operator's responsibility to make that initial
9 determination. They would notice the LEA that they have
10 felt that the change that they wanted to make was minor,
11 based on the criteria and/or that they were on the list --
12 and were on the list -- were not on the list. I messed
13 that up. Sorry.

14 That they went through the criteria, made the
15 determination. And it was further supported because they
16 were on the list. They would notice the LEA. The LEA has
17 the ability to go back and look at that change and
18 determine whether or not they believe it met the criteria.
19 And if they feel that it did not meet the criteria or
20 there were some other issue with it, they could provide
21 that to the operator in writing, that finding, and then in
22 effect require the operator to either cease that activity
23 until they went through the proper channels or work out
24 some other --

25 COMMITTEE MEMBER PEACE: But the operator does

1 have the ability to start making the change ahead of time,
2 because they just have to let the LEA notice -- they have
3 to notify them --

4 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
5 No.

6 COMMITTEE MEMBER PEACE: -- like after they make
7 the change, not before they make the change.

8 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

9 Well, you know, I think the reality of the
10 current situation is we -- you have operators implementing
11 changes that they think they don't need approval right now
12 today, and that the LEA would uncover those during a
13 monthly inspection, once every 30 days. So I think, you
14 know, the dynamic is there. These regs indicate that in
15 some situations it's okay to do that, you know, and here's
16 how you figure out when it's okay and when it's not okay;
17 which has been missing in the regs before.

18 COMMITTEE MEMBER PEACE: So if that's happening
19 now, then why do we need a minor change list if it's
20 happening now, if it seems like they're determining that
21 already now without a minor change list?

22 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
23 Yes.

24 CHAIRPERSON MULÉ: But isn't there a more formal
25 process now, Mark, though that --

1 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

2 Now there's greater clarity about --

3 CHAIRPERSON MULÉ: Exactly.

4 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

5 -- the criteria that should be imposed and the
6 process to deal with it certainly in the area if there's a
7 disagreement on what should be done.

8 CHAIRPERSON MULÉ: Right. So there would
9 be -- yeah, there's again greater clarity and there's a
10 better -- there should be a better understanding on all
11 parties' parts. And, again, as far as if there is a
12 disagreement, the LEA then steps in and notifies the
13 operator.

14 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

15 Right. We're not tying the hands of the LEA by
16 implementing this process. They still have the same
17 flexibility they have under the current scenario.

18 CHAIRPERSON MULÉ: Thank you.

19 COMMITTEE MEMBER PEACE: What I recall from last
20 month was that there weren't really any of the LEAs that
21 really liked the significant change list. It's mostly the
22 operators that supported it. The LEAs really didn't like
23 the minor change list. They wanted to go through the
24 decision tree.

25 So I'm just trying to think. Do you think of any

1 consequences? Are there any bad consequences that could
2 happen because we are doing it this way and not leaving it
3 just to the decision tree? Because I'm looking at some of
4 these minor changes, where it says change in location of
5 where the back-up equipment can be sought. You know,
6 maybe that is -- maybe that could be something that's more
7 important. Changes to traffic patterns on site that do
8 not affect off-site traffic. I'm thinking, well, you
9 know, that could be a major thing.

10 I've been to landfills where, you know, C&D stuff
11 is going this way and the green waste is going this way
12 and the self-haulers are going this way. And who's not to
13 say that could be a major change that they shouldn't be
14 able just to go do without asking the LEA first. Changes
15 to equipment maintenance operations. Some of these things
16 sound like, gee, maybe the LEA should know of some of
17 these things before they're done. And that's what the
18 whole decision tree was all about, letting the LEA decide
19 when he thought they were significant, when they weren't.

20 So I still -- personally I still feel that
21 this -- especially when the LEAs and our staff are saying
22 they really didn't like the significant change list and
23 still wanted it to be the decision tree, that I'm still
24 wondering if we do this what consequences -- what are the
25 consequences of our actions that we might not even realize

1 today by doing this?

2 DEPUTY DIRECTOR LEVENSON: Ms. Peace, I think
3 it's -- as certainly everyone knows, that staff's original
4 recommendation was to not have the list, neither the
5 significant change list nor the minor change list, and to
6 rely on the decision tree methodology. With the direction
7 from the Committee last month and the various comments
8 that we received, not everyone will probably be happy with
9 including both lists.

10 But the linkage between the criteria and the
11 minor change list is very important. For example, any of
12 these changes still -- if they were initiated, they still
13 have to be consistent with state minimum standards, with
14 the underlying CEQA documents, and so on. So that's a
15 safeguard, if you will, for how these are approached and
16 what the LEA can then do in looking back at them.

17 COMMITTEE MEMBER PEACE: Still, we're leaving the
18 decisions up then to the operator and the owner by saying
19 that even if they're not on this list, but they meet this
20 criteria. And we're leaving it then to them to decide if
21 they meet the criteria or not. I'm concerned about that.

22 CHAIRPERSON MULÉ: Well, why don't we -- well,
23 first of all, I understand that we're trying to get some
24 equipment in here. So perhaps we should take --

25 COMMITTEE MEMBER WIGGINS: I'm fine.

1 CHAIRPERSON MULÉ: You're okay?

2 Okay. Then we'll hold off on taking a break for
3 now.

4 I'll let you finish your presentation. And then
5 we do have seven speakers. So we'll take the speakers
6 before we have any additional questions. Thank you.

7 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

8 Okay. Why don't I try to go a little bit faster
9 through them. And then give me a sign if you want me to
10 slow down on any of these.

11 On page 8 there are a number of changes that I
12 believe are just the renumbering and slight editing of the
13 items on the list. Again, staff's view is they're not
14 substantive changes.

15 On page 9, line 13, there was a comment received
16 about the fact that the five-year permit review doesn't
17 always have to happen on a five-year period. It could
18 happen more frequently. It can't be less frequently, but
19 more frequently. So by including "five year" in there, we
20 seem to sort of lock it into that five year and reduce
21 some flexibility. That was not our intent. So we're just
22 saying during the regular permit review, be it every year
23 or every two years or at least every five years.

24 Page 12, line 34, I think is the next one, which
25 is a typo, Bobbi, that we caught, the point 4?

1 Yeah, okay.

2 And then on page 13, starting on line 25, I had
3 referred to the guidance in the regs to the LEA about what
4 kinds of information they should have in front of them
5 when writing the permit. So we've indicated that
6 certainly land use is one of the items. But then we went
7 back ten years or so and looked at what LEAs were getting
8 pre-1220 regulations and noted that they had a lot of
9 information that was being provided to them in the past
10 before state law changed to indicate that the LEA should
11 not duplicate and overlap with other entities. So we
12 basically took many of the items from that old list and
13 embedded it in this note to indicate that the LEA should
14 still be aware and take into consideration at some level
15 these other approvals.

16 On page 17 is some clarification language, some
17 legalese that was suggested by a stakeholder to add to
18 clarity by changing "compliance with" to "manner set forth
19 in".

20 Page 18 on line 42, we had inadvertently left in
21 "modified" in this section. And this section doesn't
22 apply the modified. I think we just cut and pasted some
23 language in and missed that piece. So we're striking
24 "modified".

25 On page 19, the same language that I spoke of

1 before, the legal language about "a manner set forth in"
2 shows up in this section again.

3 On page 20, it includes specific RFI references
4 and edits to those.

5 Page 21, line 8, a stakeholder indicated that it
6 would be a good idea to throw the word "terms" in with the
7 list of items. So we've done that.

8 We've edited the flow charts that appears in a
9 note on page 22 to be consistent with changes that were
10 made in the regulations -- in the body of the regulations.

11 So then the next change is page 33, which again
12 is indicating the meetings, and our intent to indicate
13 public meetings. And again on 35, line 26, 27, the same
14 thing.

15 So those are the minor changes that we've made to
16 the regs in response to the comments.

17 And with that, maybe we could complete staff's
18 presentation by just indicating that the regulations as
19 they appear in Attachment 2 staff feel are ready to go
20 forward with an affirmative vote from this Committee, and
21 then referred to the full Board for their consideration.

22 The resolution -- draft of the resolution that
23 we've included does include language that would allow the
24 Board to consider the regs and approval of the regs, so it
25 wouldn't need to be revised.

1 CHAIRPERSON MULÉ: Okay. Thank you very much,
2 Mark.

3 And, again, thank you, staff, for all of your
4 hard work on this important set of regulations.

5 As I mentioned, we have seven speakers. I'm
6 going to ask if you could limit your comments to three
7 minutes, because we do have a meeting later this afternoon
8 that we have to get to. Actually we have one I think at
9 12 or 12:30.

10 So with that, our first speaker is Rebecca
11 Lafrieniere, City of San Diego LEA.

12 Good morning.

13 MS. LAFRIENIERE: Good morning, Madam Chair and
14 Board members. My name's Rebecca Lafrieniere and I
15 represent the City of San Diego Solid Waste Local
16 Enforcement Agency.

17 I'd like to thank Board staff for their effort
18 and time in the development of the work groups involving
19 both LEAs and industry perspective as well as the
20 opportunity to review and provide comments on the draft
21 permit implementation regulations.

22 As mentioned previously in comment letters and
23 testimony provided at the September Permitting and
24 Enforcement Committee meeting, the LEA strongly supports
25 the decision tree concept. The decision tree provides for

1 on efficient processing of operational and design changes
2 at solid waste facilities based on the resultant impacts
3 of the proposed change.

4 I'd like to emphasize the real benefit of the
5 decision tree concept is the elimination of the
6 one-size-fits-all approach. Not only does this decision
7 tree acknowledge the diversity of California as a whole,
8 but the diversity that exists within an LEA's
9 jurisdiction.

10 In San Diego County, we have landfills in
11 urbanized areas, rural areas, military bases, as well as
12 in the desert. Each facility is very unique.

13 For the same reasons we support the decision tree
14 model, we adamantly oppose Section 21620(a)(4)(a) through
15 (d), previously referred to as the Alternative 3
16 Significant Change List. This approach does not
17 implement -- or this approach does implement a
18 one-size-fits-all approach and totally disregards local
19 conditions and/or issues at a facility.

20 The significant change list does not need to be
21 independent of the decision tree. It is simply not needed
22 with the decision tree approach.

23 Lastly, the LEA continues to support the removal
24 of the land-use and conditional-use permits as a
25 requirement for a complete and correct Solid Waste

1 Facility Permit application.

2 Further, the LEA supports the approach taken in
3 Section 21650(i), that an LEA takes into consideration
4 Public Resources Code 44012, which requires the LEA to
5 ensure that primary consideration is given to protecting
6 public health and safety and preventing environmental
7 damage and a long-term protection of the environment.

8 The LEA agrees that all LEAs should be aware of
9 and take into consideration other permits and approvals
10 including waste discharge requirements and CUPs when
11 writing permit terms and conditions. As written, the
12 proposed regulation acknowledges the land-use permit, but
13 it does not put the LEA in the undesirable position of
14 enforcing local land-use permit conditions through its
15 Solid Waste facility Permit.

16 And I'd like to share one example with you.

17 Several years ago the Sycamore landfill revised
18 its planned development permit, which is its local
19 land-use permit, when it implemented a sand and gravel
20 operation in preparation of Stage 3 development. In the
21 planned development permit, not only was the hours of
22 operation of the landfill revised, but it also implemented
23 internal hours of operation for the sand and gravel. When
24 the Solid Waste Facility Permit was revised, the hours of
25 operation was based on the environmental document that was

1 analyzed. And the LEA did not include in the subset hours
2 of the sand and gravel operation.

3 However, within a year and a half the operator
4 approached the local land-use entity and requested that
5 those hours -- those modified hours for the sand and
6 gravel be revised to the actual hours of the landfill.
7 And the local land-use agency was able to do this through
8 a substantial conformance. Had I written that into the
9 Solid Waste Facility Permit, it would have required a full
10 revision for that.

11 And, again, the way the Solid Waste Facility
12 Permit was written was based on the environmental document
13 analysis.

14 That concludes my presentation. Thank you.

15 CHAIRPERSON MULÉ: Thank you, Rebecca.

16 Our next speaker is Pamela Raptis.

17 MS. RAPTIS: Thank you, Madam Chair, Committee
18 members. Pamela Raptis. I'm with the County of San Diego
19 Solid Waste Local Enforcement Agency.

20 And I would like to also thank your staff for
21 their time, their effort and their diligence in developing
22 such a comprehensive and complete, though, in our opinion,
23 flawed 1497 Permit Implementation Regulation.

24 As we have stated several times over the process
25 of this Committee, we do oppose many of the changes that

1 have been added to the 1497 concept. And, that is, that
2 we don't believe CIWMB has the authority to add additional
3 requirements that were not initially put into the 1497
4 statute.

5 I believe that you -- that these additions do
6 impact the ability of the local enforcement agency to make
7 our decisions. And it also adds mandates that were not
8 initially put into the program.

9 We would also request that the minor change list
10 be removed from these regulations. We believe it would be
11 best placed in a guidance document as an LEA advisory or
12 other form of guidance to assist both the LEAs and the
13 operators in making decisions as to what is a minor change
14 or not. But to place the position of the LEA to have to
15 make a decision after a change has occurred puts us in a
16 position of doing after and knee-jerk reactions as opposed
17 to being able to sit down at the table, talk with the
18 operator and make that decision together.

19 The County of San Diego's Local Enforcement
20 Agency works extensively with our land-use agencies and
21 other sister agencies within our jurisdictions to talk to
22 the operators in regards to all changes that are occurring
23 in those implementations and impacts that will occur prior
24 to that process. We request that you do not take that
25 form of authority away from us and mandate it through a

1 regulation that for us would be difficult to then enforce.

2 And, lastly, we would like to ask that you take
3 out the significant change list and put this back into a
4 decision tree process only. That allows, again, all the
5 agencies, the operator and the local enforcement agency to
6 meet at the table to make a decision and work forward in a
7 manner that allows decisions to be made prior to and with
8 all intents on the table.

9 So we request those changes be made. We also
10 request that this go back out for the 15 day, so that
11 other agencies can make comments in regards to that, and
12 that this be put off until the November Committee to be
13 reheard.

14 Thank you very much.

15 CHAIRPERSON MULÉ: Thank you, Pam.

16 Our next speaker is Matt Fore.

17 MR. FORE: Good morning Madam Chair, members of
18 the Board. My name is Matt Fore. I'm here first
19 representing the Enforcement Advisory Council. And before
20 I get started with my comments, I just would like to
21 invite each of you to our next EAC meeting, which will be
22 held on December 5th in this building.

23 And the role of the EAC is to evaluate the
24 real-world implementation of the regulations that you all
25 promulgate, and wear your proverbial boots on the ground,

1 so to speak, in that process.

2 So not to be too repetitive, but the EAC does
3 greatly appreciate Mark and Becky's works on this
4 inclusive regulation development process.

5 So first, as I said, my comments are representing
6 the EAC. The EAC met on September 5th of this year, and
7 the Board reached a unanimous consensus on the following
8 position of the most recent draft of the regulations:

9 First, we oppose the inclusion of the significant
10 change list. Rather, the EAC strongly supports the
11 decision tree, as it is the best vehicle for evaluating
12 the significance of a change while preserving our local
13 discretion.

14 Secondly, the EAC supports staff's recommendation
15 regarding the relationship of the Solid Waste Facilities
16 Permit to other land-use processes. And we feel that the
17 draft language reinforces the connection between the two
18 processes while removing potential and actual conflicts.

19 Thirdly, the EAC continues to oppose the minor
20 change list, as we have related to you in both written and
21 verbal comments throughout this process.

22 Now I'd like to switch hats. And as I will do
23 from time to time, I'd like to now address you as the
24 Chair of the South Central LEA Roundtable, which is a
25 collection of ten small rural LEAs throughout the Central

1 Valley.

2 We're disappointed that staff has yet to
3 incorporate our proposed triggers for additional public
4 notification and informational hearings into the
5 regulations. To be clear -- and I want this to -- I do
6 want you to be clear on this -- we do fully support all of
7 the increased public notification and opportunities for
8 the public to be aware of and to comment and have a stake
9 in in projects at solid waste facilities.

10 And we feel that all -- excuse me -- and we fully
11 support the idea of, you know, of this participation and
12 the agency's larger environmental justice goals.

13 Although the blanket one-size-fits-all
14 requirements are too stringent in the rural setting given
15 the context of rural counties, and we feel that our
16 proposed changes will align with the Board's broader goals
17 as well.

18 There are significant differences between urban
19 and rural counties. And we understand that in the urban
20 setting, increased and dramatically increased public
21 comment may be warranted. In the urban setting we often
22 hear of facilities striving to create and maintain a
23 thousand foot buffer zone between the nearest sensitive
24 receptors and the project boundary. In rural counties
25 it's not uncommon to have a mile or more buffer zone

1 between the nearest individuals and the project boundary.

2 Board staff has contended that public meetings
3 are not held consistently or are too old to be useful to
4 the solid waste facility process. And on this point we
5 also disagree. We feel that especially with new projects,
6 the greatest amount of public comment and chances for
7 public input will be for new projects, as most of them
8 feature some sort of discretionary permit that's required
9 and some sort of environmental review, be it for a zone
10 change, for a zoning change, or a use permit.

11 For rural LEAs working with skeleton staffs,
12 posting notices and conducting informational hearings,
13 although it doesn't sound like much, when the -- after
14 drafting the notice, translating it, securing purchase
15 orders, placing the notices in the local newspapers, and
16 conducting the hearings, we fear that these additional
17 public noticing and posting requirements will divert very
18 slim and valuable resources from our current inspection
19 and enforcement programs.

20 Again, we would gladly support these additional
21 requirements if they were fruitful. However, in my
22 experience, after having held several public hearings and
23 posting requirements in facilities where the nearest
24 residents were more than a while away, nobody showed up
25 and I didn't receive any comments.

1 For this reason, the South Central LEA Roundtable
2 proposes several triggers for conducting additional
3 noticing which are completely consistent with the
4 environmental justice goals of both this Board and Cal EPA
5 as a whole.

6 We propose four triggers:

7 First, when the most recent CEQA hearing is more
8 than a year old.

9 Second, where public interest in the project
10 warrants additional public meetings. For example, when a
11 planning commission hearing is appealed to the larger
12 board of supervisors, indicating controversy or larger
13 public interest.

14 Third, where the proximity or density of
15 sensitive receptors warrants additional notification. For
16 example, where habitable structures are located less than
17 2500 feet from the facility boundary.

18 Or, fourth, when the LEA has received requests
19 from the public for information about the project.

20 In sum, the small rural counties or LEAs of the
21 South Central Roundtable believe that our proposed
22 triggers for additional noticing provide an effective
23 mechanism for ensuring public input, while preventing the
24 diversion of critical enforcement resources where the
25 noticing requirements would yield minimal, if any,

1 benefits.

2 Thank you.

3 CHAIRPERSON MULÉ: Thank you.

4 Our next speaker is Larry Sweetser.

5 MR. SWEETSER: Good morning, Board members.

6 Larry Sweetser on behalf of the Rural Counties

7 Environmental services Joint Powers authority.

8 I want going to keep it real quick, but I think
9 I'd better address a few points that came up. But I'll
10 still keep it quick.

11 We do support the decision tree process. We've
12 kind of gone back and forth on the lists. I guess the key
13 thing is we can live with the lists as guidance. It
14 wasn't too onerous for us when we pulled our members.

15 And especially if there's a concern about
16 somebody trying to get away with something under the minor
17 change list repeatedly, I think there's enough check and
18 balance in the process that if the LEAs don't like what
19 they see, they can issue a violation or other sort of
20 notice that to stop what they're doing. So I think
21 there's enough leeway to do that in there. And any
22 operator that doesn't maintain the dialogue with the LEA
23 on forthcoming changes is going to be in trouble anyway.

24 On the point the previous speaker just mentioned
25 about the LEAs in the rural areas, we do support making it

1 easier in that process. There are differences out there.
2 But as -- the members when I talked to at least our
3 counties, the basic decision we'd come down to with this
4 entire package is we can live with it. We can continue
5 tweaking it for a quite a period of time if we want or we
6 can just get on with the implementing the package.

7 So thank you.

8 CHAIRPERSON MULÉ: Thank you.

9 Our next speaker is Chuck White.

10 MR. WHITE: Thank you very much, Madam Chair and
11 members of the Committee. Chuck White with Waste
12 Management.

13 My apologies for coming in somewhat informal
14 apparel. But I'm in the process of moving, and I couldn't
15 find my more formal attire. And I'm not talking about
16 moving to Las Vegas. I'm --

17 CHAIRPERSON MULÉ: Well, actually, Chuck, we have
18 a picture of you in a little bit more formal attire of
19 yours though.

20 MR. WHITE: I'm shocked to hear that.

21 But I do appreciate the opportunity to come to
22 speak to you on this. We have -- it has been a great
23 process and we've all learned a lot about the whole
24 permitting process, myself included on that.

25 I think in general our concerns have been wanting

1 to make sure that there was some reasonable clarity on
2 what constituted insignificant changes that really
3 shouldn't be delaying the process to make changes to
4 on-site activities that are not really going to be a major
5 problem and would allow the facility and the operator to
6 move forward with those insignificant changes without
7 being worried about permit delays and this sort of thing.
8 And I think the minor change list has really done that
9 very well.

10 I don't have a problem with the additional
11 language, I don't think. Although I haven't had a chance
12 to really review it in length. So I guess my biggest
13 concern about the minor change list is the added citation
14 on page 7 of 12 and 13, which another specific section
15 references, that I don't think are a problem. But I
16 honestly tell you I haven't gone back and read those
17 sections to know exactly what they say and how they relate
18 to this, so it's difficult to say, yeah, everything's
19 fine.

20 And from that standpoint it would be nice to have
21 a little more time to go back and see just to make sure
22 that I feel comfortable that this change is not going to
23 be a problem for us.

24 I think that it's really good to have this minor
25 change list in here because it does set a fairly clear

1 area of the things that really should be below the radar
2 screen that are not significant. But if for any reason,
3 as previously speakers have indicated, that there's a
4 track record of abuse, you -- LEA still has to be notified
5 that these changes are being made. And if they feel that
6 they're inappropriate or don't meet the criteria, or other
7 wise the LEA believes they're not significant, they can
8 take an enforcement action against us for doing that. And
9 I think that's an appropriate check and balance and I
10 think should give some additional comfort for leaving this
11 minor change list in.

12 The other area of concern, it actually has to do
13 with the significant change list, which is on page 10 --
14 and I've raised these concerns before. And, again, it's
15 not about these things being significant. I mean all of
16 these things certainly are significant changes, or can be
17 significant changes. But, again, my concern is, could
18 there be diminimous changes that would be associated with
19 one of these four things that would automatically require
20 a full permit revision even though they would be of
21 diminimous nature?

22 And I hesitated to bring up the Bradley landfill.
23 But that was the whole reason that this whole process
24 started in the first place. And without going into too
25 much detail, the whole thing had to do with a discrepancy

1 between the CUP and the solid waste permit on a ten-foot
2 height of a landfill, and what was said in the CUP and
3 what was said in the solid waste permit. And basically
4 the whole purpose of that exercise was to try to resolve
5 in some consistency between the two permits, that for
6 whatever reason in the historical past had diverted the
7 language between the two.

8 And so I am worried about minor adjustments in
9 languages between permits when one permit says one thing
10 and one says another, and you're trying to resolve that
11 minor detail inconsistency.

12 And an example would be, for example, the
13 facility's permitted acreage. If you've got a transfer
14 station and you add an additional parcel to that transfer
15 station and you're storing empty containers on that parcel
16 but you don't include it, would that be considered an
17 expansion of the permitted facility? Even though you're
18 not keeping any waste on that facility, there are
19 operations that are related to that facility that you're
20 doing. And would the LEA say, "Gee, you didn't seek to
21 get a revision," even though you may be storing empty
22 containers associated with that? Maybe the staff can
23 offer some clarification and some increased comfort level.

24 But we may very well want to buy property
25 adjacent to our existing operations and try to keep the

1 non-waste activities on those parcels. And I just don't
2 want to have this language in any way, in B, somehow imply
3 that we need to get a full permit revision for doing those
4 kinds of things.

5 The other minor concern is -- on D, where it says
6 the permitted final grade. Now, I understand what you're
7 trying to do. You don't want to have major changes in the
8 final grade of a landfill. But if for some reason you
9 have a drainage problem develop on the surface of the
10 landfill and you want to regrade that landfill to make it
11 more amenable to control erosion because of practices, you
12 may have to go in and make very minor changes in that
13 grading pattern. But as Mark de Bie said, these changes
14 would always require a revised permit, and it's totally
15 independent of the decision tree.

16 So if I have to go in and make a minor change to
17 the final grade of a permit to make a safer drainage
18 pattern coming down off that landfill, one could make the
19 argument that this is a change that would require a
20 revision to the permit. Now, I hope that's not the case,
21 and I hope there's some other way of looking at it. But,
22 again, it's not that I'm trying to do a jailbreak here or
23 do any major changes. But I'm worried about, again, those
24 diminimous minor changes that really we don't have time to
25 be worrying about through the whole permitting process;

1 and we'd like to get on with our business and make these
2 adjustments but don't want to have to be burdened by, you
3 know, unreasonable oversight and review on just making
4 these minor changes.

5

6 CHAIRPERSON MULÉ: Go ahead, Board Member
7 Wiggins.

8 COMMITTEE MEMBER WIGGINS: It actually says in
9 the minor changes that "the acquisition of property
10 adjacent to the facility if not used for solid waste
11 activity." So that's something you brought up and it's
12 covered.

13 MR. WHITE: I hope that's the case.

14 So that's my -- I guess my general concern is --
15 I don't want to be the person holding up these
16 regulations. I'd like to get them finalized. Been
17 working on them for a long time. I haven't had a chance
18 to review all these new changes that we're seeing here. I
19 don't know exactly -- I think they're not a significant
20 concern. But I am a little -- I'm also a little worried
21 about the significant change list and that there might be
22 some diminimous changes that would be in one of those four
23 categories that might trigger a full permit revision
24 without really I think anybody's intent in doing so.

25 Thank you.

1 COMMITTEE MEMBER PEACE: Well, Chuck, it sounds
2 to me like you want it both ways. So if you agree to give
3 up the major -- if we agree to take out the significant
4 change list and we agree then to take out the minor change
5 list and just leave it up to the decision tree, I'll agree
6 with you.

7 MR. WHITE: My concern has always been trying to
8 create a breakpoint where the permit doesn't have to reach
9 down into areas that are truly insignificant in nature and
10 we don't have to be constantly debating this insignificant
11 level. So I think the minor change list is good. I'm
12 just worried about other minor insignificant changes that
13 might be inadvertently captured by some of the other
14 language.

15 I'm perfectly okay with you to go ahead with
16 these regulations today and move them forward for
17 adoption. I'm just telling you some of the concerns that
18 I have related to the language that I see. And I'm
19 worried about what a future interpretation might be. When
20 I want to put a drainage channel in at the top of a
21 landfill and it changes the final grade slightly, does
22 that mean -- is someone going to come long and say I need
23 to have a permit revision because of that minor change in
24 grade?

25 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

1 Madam Chair? Mark de Bie.

2 We can help Chuck with his concerns --

3 MR. WHITE: I knew he could.

4 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

5 -- now or, you know, between now and the Board

6 meeting we can meet with Chuck and talk through that.

7 It's your pleasure if you want us to indicate an initial

8 response.

9 CHAIRPERSON MULÉ: I mean if you could briefly
10 respond to it. We've got a time clock we're working under
11 here.

12 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

13 Very quickly, Chuck. And if we need to talk

14 more, we're certainly available to you.

15 Relative to the items on the significant change
16 list: First, staff's observation is that we did not --
17 this is not a change that was subject to comment during
18 the 15-day comment period.

19 Relative to Item B, it indicates the permitted
20 acreage of the facility. So if the facility's permit, the
21 acreage in the permit that the LEA wrote is not changing,
22 then it wouldn't require a revision. So if the facility's
23 adding acreage but do not intend to include that as part
24 of the permitted acreage, then it would not be on this
25 list. It would be something different than that.

1 It's important though I think to have permitted
2 acreage, because if you're a landfill your permitted
3 boundary is your compliance boundary for landfill gas. So
4 that needs to be looked at and see. And the appropriate
5 place might be a revision to look at that kind of item.

6 Relative to the Item D, the intent was to
7 indicate that if the maximum overall height at final grade
8 changes, then that would require a revision. So
9 intermediate heights changes would not trigger a revision.
10 If you thought you were going to fill up to a certain area
11 but you're not or you're going higher and that's not your
12 final grade as expressed, you're still within that. That
13 wouldn't require it. So it's just if you go beyond the
14 maximum height indicated for your final grade.

15 So if they're doing, you know, subtle changes to
16 the slope and that sort of thing for drainage but are
17 still within that maximum height, that wouldn't trigger a
18 revision. But if they went up higher, then that could --
19 or would require a revision.

20 And then I'm going to schedule some time with
21 Chuck to talk --

22 CHAIRPERSON MULÉ: I think that would be helpful.

23 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

24 -- about the Bradley situation because we see it
25 very differently.

1 CHAIRPERSON MULÉ: I think that would be very
2 helpful.

3 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:
4 There are many other issues associated with it
5 other than ten feet.

6 CHAIRPERSON MULÉ: Okay.

7 MR. WHITE: Well, with those clarifications, I
8 mean I think that's very helpful.

9 CHAIRPERSON MULÉ: Okay. Good.

10 MR. WHITE: Thank you.

11 CHAIRPERSON MULÉ: Thank you.

12 Our next speaker is Evan Edgar.

13 And we have two more after that. We have Chuck
14 Helget and then John Cupps.

15 MR. EDGAR: My name is George Eowan for CRRC.

16 (Laughter.)

17 MR. EDGAR: He waited 20 years for this moment of
18 significant change. He was on their early committees with
19 George Eowan, Vince Taormina, and from L.A. San folks. So
20 this is a big day to get this far on significant change.

21 And echoing both Larry Sweetser and Chuck White,
22 we can live with this. You know, we waited a long time,
23 there were a lot of workshops, everybody had a
24 collaborative effort. So we could live with this.

25 But we do support the decision tree. But with

1 any decision tree, you've got to have leaves and branches.
2 And those little leaves are the minor change lists. So we
3 would support the decision tree with a clarity, and that
4 we need in the industry, what is a minor change? So those
5 are the leaves on the tree because we have to see the
6 forest through the trees.

7 Thank you.

8 CHAIRPERSON MULÉ: Thank you.

9 Chuck Helget.

10 MR. HELGET: Madam Chair, members of the
11 Committee. Chuck Helget representing Allied Waste BFI.

12 We're in general very strong support of the
13 regulatory packages. And I would add that we certainly
14 have concerns and questions about the regulations. And I
15 have a list of about maybe 20 that Mark can clarify. But
16 I'll talk to him later on that detail.

17 CHAIRPERSON MULÉ: Thank you.

18 MR. HELGET: This is a good regulation --
19 regulatory package. We spent -- I was reminding some of
20 my friends in the back of the room that last year about
21 this time we were just embarking off on a long flurry of
22 holiday workshops, Thanksgiving, Christmas and New Years.
23 At that point in time I wasn't so sure that we would ever
24 produce a worthwhile package. But this is a worthwhile
25 package and one that we support.

1 There are certainly issues involved in this
2 package that aren't exactly the way that I would like
3 them, but overall as a whole it's a very good package.

4 My only comment I would make with regard to the
5 minor changes list, which we strongly support, is that
6 this list was a product of those workshops that we sat
7 through over the holidays. It wasn't just something that
8 came out of thin air. And, in fact, it was I think
9 initially as proposed by industry was probably 45 or 50
10 items. And that has been pared down significantly since
11 that point in time, with a variety of safeguards that have
12 been added, I think worthy safeguards that give the LEAs
13 flexibility and give staff some assurance that the
14 unscrupulous operators aren't out there that will take
15 advantage of the system.

16 So I would urge the Committee to support this
17 package.

18 CHAIRPERSON MULÉ: Thank you.

19 John Cupps.

20 MR. CUPPS: I don't really need to comment at
21 this point. Thank you.

22 CHAIRPERSON MULÉ: Okay. Thank you.

23 That concludes our public comment portion.

24 Committee members, questions, comments?

25 Pat.

1 Nothing?

2 COMMITTEE MEMBER WIGGINS: I'm ready for a
3 resolution.

4 CHAIRPERSON MULÉ: I think we have a question
5 though or comments from Board Member Peace first.

6 COMMITTEE MEMBER PEACE: I just want to say, we
7 hear from industry that they don't want to have to go
8 through all this stuff on a minor change. But I hear from
9 the LEAs in the rural counties and the cities that they're
10 so -- have a skeleton staff, they're so over-burdened with
11 stuff, I can't imagine that they would want to do a
12 revision or something on a permit and go through all that
13 work if it really was an insignificant change.

14 I guess I'm probably the only one, but I'm going
15 to say it again. I am not okay with the -- I guess I
16 could live with the significant change list, because if
17 you have the decision tree, it's going to trigger a
18 revision anyway.

19 But I really don't like that minor change list.
20 I would love to remove the minor change list, leave it up
21 to the LEA and the decision tree concept to -- you know,
22 LEAs to decide if it is indeed a minor change or not. As
23 we heard from the LEAs, each landfill, you know, is
24 unique. I'd like to take those -- the things listed in
25 the minor change list and just put it as an advisory, as

1 staff had recommended in the first place. And that that
2 advisory could be, as Evan said, leaves on the tree.

3 If we have a minor change list, at least we need
4 to delete the phrase "include but not limited to". As Pam
5 from San Diego said, the operator and the LEA need to
6 discuss changes before they're made, not after the fact.
7 Because when you discuss them after the fact, it could be
8 very difficult then to go back and reverse that.

9 So that is what I would like to do. I'd like to
10 remove the minor change list, leave it as an advisory, and
11 go out for another 15-day comment period.

12 CHAIRPERSON MULÉ: Board Member Wiggins.

13 COMMITTEE MEMBER WIGGINS: I'd like to move
14 adoption of Resolution 2006-183.

15 CHAIRPERSON MULÉ: And I will second that.

16 Could you call the roll.

17 SECRETARY DUCLO: Members Peace?

18 COMMITTEE MEMBER PEACE: No.

19 SECRETARY DUCLO: Wiggins?

20 COMMITTEE MEMBER WIGGINS: Aye.

21 SECRETARY DUCLO: Chair Mulé?

22 CHAIRPERSON MULÉ: Aye.

23 Okay. That will go to the full Board.

24 Okay. Thank you everyone for your participation,
25 comments.

1 Staff, thank you.

2 Let's move on to Committee Item D, Agenda Item
3 14.

4 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
5 Chair.

6 This is one of our two permit items; the other,
7 which will be heard later this evening.

8 This should be pretty short, I hope.

9 This is Consideration of a New Full Solid Waste
10 Facilities Permit for the Goodyear Road Composting
11 Facility in Solano County.

12 And Christy Karl will make the staff presentation
13 on this.

14 MS. KARL: Good morning afternoon, Madam -- good
15 morning. It's been a long morning.

16 Good afternoon, Madam Chair and members of the
17 Committee.

18 The item before you considers a new full
19 compostable materials handling facility permit for
20 Goodyear Road composting facility in Solano County. This
21 facility is owned and operated -- or owned by Goodyear
22 Partners LLC and operated by CCL Organics.

23 The operator is proposing to increase the
24 vehicles accessing the site from 60 to 100 vehicles per
25 day. The proposed permit also clarifies the hours of

1 operation and the volume of material to be received per
2 day, as these items were not conditioned by the previous
3 standardized permit.

4 Board staff has made all of the findings required
5 for the Board to concur in the issuance of the proposed
6 permit. Therefore, staff recommends the Board concur in
7 Permit Number 48-AA-0083 and adopt Resolution 2006-184.

8 This concludes my presentation. And the LEA and
9 operator are both present if you have questions.

10 CHAIRPERSON MULÉ: Thank you, Christine.

11 Are there any questions for staff or the
12 operator, the LEA on this item?

13 Board Member Peace.

14 COMMITTEE MEMBER PEACE: The only question I had
15 was with all the revisions and different things coming in
16 and the fact that it was submitted a little late, I just
17 want to feel that staff does feel that they had adequate
18 time to review this permit.

19 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

20 I'll answer that. Mark de Bie.

21 Yes, the revisions that we did deal with were --
22 resulted from some discussion that we had with the LEA.
23 So we anticipated those and were able to incorporate them
24 in our review. So, yes, we had adequate time.

25 Thank you.

1 CHAIRPERSON MULÉ: Okay. Any other questions?

2 Do I have a motion?

3 COMMITTEE MEMBER PEACE: Well, I'd like to move
4 Resolution No. 2006-184 revised.

5 COMMITTEE MEMBER WIGGINS: Second.

6 CHAIRPERSON MULÉ: Okay. We have a motion by
7 Member Peace, seconded by Member Wiggins.

8 Would you call the roll, Donnell.

9 SECRETARY DUCLO: Members Peace?

10 COMMITTEE MEMBER PEACE: Aye.

11 SECRETARY DUCLO: Wiggins?

12 COMMITTEE MEMBER WIGGINS: Aye.

13 SECRETARY DUCLO: Chair Mulé?

14 CHAIRPERSON MULÉ: Aye.

15 That passes unanimously. And we can put that on
16 consent.

17 Are there any other public comments?

18 This meeting then is adjourned to 5 p.m. today.

19 Thank you, all.

20 (Thereupon the California Integrated Waste
21 Management Board, Permitting and Enforcement
22 Committee meeting adjourned at 12:10 p.m.)

23

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said workshop nor in
13 any way interested in the outcome of said workshop.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 27th day of October, 2006.

16

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23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 10063